

Regular Session, 2012

SENATE BILL NO. 4

BY SENATOR MORRELL AND REPRESENTATIVE LEGER

CRIME/PUNISHMENT. Criminalizes the failure to report the sexual abuse of a child. (gov sig)

AN ACT

To enact R.S. 14:403(A)(4), relative to abuse of children; to provide for mandatory reporting of sexual abuse of a child; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403(A)(4) is hereby enacted to read as follows:

§403. Abuse of children; reports; waiver of privilege

A. \* \* \*

**(4) Notwithstanding the provisions of Paragraph (1) of this Subsection, any person who witnesses sexual abuse of a child and knowingly and willfully fails to report the sexual abuse to law enforcement shall be guilty of a felony and upon conviction shall be fined not more than ten thousand dollars or imprisoned with or without hard labor for not more than five years, or both.**

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

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DIGEST

Present law requires certain persons to report the abuse or neglect or sexual abuse of a child. Present law criminalizes such persons who willfully and knowingly fail to report such abuse. Proposed law retains present law and requires that any person who witnesses sexual abuse of a child and knowingly and willfully fails to report the sexual abuse to law enforcement shall be guilty of a felony and upon conviction shall be fined not more than \$10,000 or imprisoned with or without hard labor for not more than five years, or both.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:403(A)(4))